

tion with a like committee on the part of the House, they performed the duty assigned them, and were informed by the Governor that he would reply to the committee in writing during the day and before 5 o'clock P. M.

D. B. CULBERSON,  
L. D. BRADLEY,  
GEO. B. ERATH,  
Committee.

On motion of Senator Erath, the Senate adjourned until 10 o'clock A. M. to-morrow.

## SECOND DAY.

### SENATE CHAMBER.

AUSTIN, January 14, 1874.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain. Journal of yesterday read and adopted.

Senator Ledbetter presented certificate of election of T. G. Davidson, Senator elect from the Sixteenth District; also a communication from said T. G. Davidson, declining to qualify as such. Certificate and communication read, and on motion of Senator Dillard was referred to Committee on Privileges and Elections.

Special joint committee to confer with his Excellency the Governor made the following report:

*Hon. John Ireland, President of the Senate:*

Your committee appointed to wait upon his Excellency the Governor and inform him of the organization of the Fourteenth Legislature, have to report that they are not ready to make a final report of their action. The Governor will submit to your committee his reply, in writing, by 12 o'clock to-day, after which the committee will make a final report.

D. B. CULBERSON,  
L. D. BRADLEY,  
GEO. B. ERATH.

On motion of Senator Wood, the Senate adjourned until 3 o'clock P. M.

### AFTERNOON SESSION.

Senate met pursuant to adjournment. Roll called; quorum present.

Senator Culbertson, on part of the special committee, reported as follows:

*Hon. John Ireland, President of the Senate:*

Your committee appointed to wait upon the Governor and inform him of the organization of the Fourteenth Legislature, have to report that the answer of the Governor to the verbal communications of your committee, acting with a like committee on the part of the House, was received to-day at 12 o'clock, M., and your committee herewith submit to the Senate a copy of said

answer, the original having been transmitted to the House by its committee.

D. B. CULBERSON,  
L. D. BRADLEY,  
GEO. B. ERATH,  
Committee.

### EXECUTIVE OFFICE.

AUSTIN, TEXAS, January 13, 1874.

*Gentlemen:* In reply to your verbal communication made to-day, I have to state that I do not think it advisable, or for the public good, that I should disregard the decision of the Supreme Court made recently, touching the late election, by officially recognizing the gentlemen you represent as being the constitutionally elected Fourteenth Legislature.

It seems to me that there is some better solution of this present difficulty than that the Governor and those claiming to be the elected Legislature should jointly combine to override the judiciary and disregard their construction of the Constitution. I must believe that such course will leave the door open for dangerous uncertainty in the future, both in the matter of authority to enact the legislation that may be proposed by the gentlemen you represent, and the matter of Constitutional existence of the highest tribunal of our State. There may be found two Supreme Courts and even two Legislatures claiming authority. It is even now claimed by some that the Thirteenth Legislature is at present the only legally existing Legislature, and that it only can constitutionally convene and provide for this emergency. It will then be only, after all, a settlement brought about by a species of revolution or violence as against the court making the decision.

It is true, it is easy enough, and it seems the simplest solution of the present difficulty, that we should jointly adopt that course, as the Supreme Court has no way of enforcing its decisions as against the Executive and Legislature combined, but I consider that in this case the easiest course is not one that I would like to be a party to. I will be happy to join you and the gentlemen you represent in applying the promptest and most feasible remedy in this difficulty. It has been repeatedly held that the recognition of Congress and the Executive of the United States will settle the question as to what body of men constitute the Legislature, and which is the proper State government. This may afford a solution to be accepted by all.

I am more free to act with independence in securing, with you or those gentlemen, that sort of solution, because I feel myself entirely disinterested herein. I accept the election, whether constitutional or not, as conclusive against myself, and will in no event continue to exercise the functions of

the office I hold beyond my constitutional term of four years.

Very respectfully,

EDMUND J. DAVIS, Governor.

Hon. B. H. EPPERSON and other gentlemen of committees, present.

Senator Dillard offered the following resolution:

*Resolved*, That a committee of three, to act with a like committee from the House, be appointed by the Senate, to take into consideration the answer of the Governor to the committee of the Senate and House, and to report what action is proper and necessary to be taken upon the same.

On motion of Senator Dillard, the Senate went into executive session.

Senator Flanagan moved that the executive session do now rise. Carried.

Senator Friend offered the following amendment:

"And that said committee report at 8 p. m. this day." Lost.

Resolution adopted, and Senators Dillard, Ball and Wood, were appointed as said committee.

A message from the House was announced, stating that the House had appointed a committee of five, consisting of Representatives Epperson, Barziza, Harris, Delaney and Sayers, to act with a committee from the Senate, to take into consideration the answer of the Governor, and to report as early as practicable.

Senator Wood offered the following resolution:

*Resolved*, That Senator Ireland, President *pro tem*, and Senator Culberson, be added to the joint committee to take into consideration the Governor's answer to the committee notifying him of the organization of the Fourteenth Legislature. Adopted.

(Senator Swift in the Chair.)

Senator Dillard offered the following resolution:

*Resolved*, That the secretary of the Senate be, and is hereby, empowered to purchase such necessary stationery, consisting of pens, paper, ink, inkstands, envelopes, etc., which he may deem necessary for the use of the Senate for at least three weeks, to be paid for out of the contingent fund. Adopted.

(Senator Flanagan in the Chair.)

Senator Bradshaw offered the following resolution:

*Resolved*, That the sergeant-at-arms be, and is hereby required to purchase oil, fuel, and such other things as may be necessary for the use of the Senate for three weeks, to be paid for out of the contingent fund. Adopted.

Senator Flanagan offered the following resolution:

*Resolved*, That the sergeant-at-arms be instructed to have the desks of Senators

put in order, that our stationery may be secure. Adopted.

Senator Parker moved to adjourn until 8 o'clock p. m. this evening.

Senator Swift moved to amend by inserting 9 o'clock a. m. to-morrow. The amendment was accepted and the motion adopted as amended.

### THIRD DAY.

SENATE CHAMBER,

AUSTIN, January 15, 1874.

Senate met pursuant to adjournment. Prayer by Rev. R. C. Burleson. Roll called; quorum present.

Absent—Baker, Culberson, Dwyer, Morris and Stirman.

Minutes of yesterday read and adopted.

Lieutenant Governor Jones was invited by the President *pro tem*. to a seat within the bar of the Senate.

The rules of the Senate were read by the secretary, for the information of Senators.

Bush Stell and Arthur Lee Forbes were appointed as second and third pages of the Senate.

(Senator Ledbetter in the chair.)

Senator Parker offered the following resolution, which, on motion of Senator Westfall, was adopted:

*Resolved*, That the secretary be instructed to furnish each Senator with a copy of the rules of the Senate as soon as practicable.

(Senator Ireland in the chair.)

Senator Dillard appeared before the bar of the Senate, and announced that the joint committee had arrived at a definite conclusion, and would be ready to report in one hour and a half.

On motion of Senator Westfall, the Senate adjourned until 12:30 p. m.

### AFTERNOON SESSION.

Senate met. Roll called. There being no quorum present, on motion of Senator Dillard, the Senate adjourned until 2:30 p. m.

Senate met pursuant to adjournment. Roll called. Quorum present.

W. H. Russell, Senator elect from the Thirtieth Senatorial District, came forward and was sworn in.

Senator Dillard submitted a report from the joint committee who were appointed to take into consideration the answer of his Excellency the Governor, on their informing him of the organization of the Fourteenth Legislature:

Hon. John Ireland, President of the Senate:

Your committee, appointed by the Senate to act in conjunction with a like committee on the part of the House for the purpose of